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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO IBARRA LEMUS,

Defendant.

CASE NO. 1:99-CR-05344-AWI

STIPULATION REFERRING MOTION FOR
SENTENCE REDUCTION TO FEDERAL
DEFENDER'S OFFICE AND PROBATION
OFFICE AND ORDER THEREON

The Court is in receipt of a motion to reduce a criminal sentence pursuant to Title 18, United States Code, Section 3582(c)(2). The Court refers this motion to the Probation Office (Probation Officers Hubert Alvarez and/or Melinda Peyret) and the Office of the Federal Defender and Assistant Federal Defender David M. Porter, pursuant to General Order No. 546. The Federal Defender's Office shall have 30 days from the date the Court approves the stipulation/order to conduct an initial review of the motion to determine the status of representation of the defendant.

1. If Federal Defender's Office determines that the defendant is eligible for representation and agrees to represent the defendant, a representative of the Federal Defender's Office shall file a notice of appearance in the case. If the matter has been referred to panel counsel, a copy of this order shall be forwarded by the Federal Defender's Office to appointed panel counsel who shall then file a notice of appearance in the case.

2. The notice of appearance shall indicate whether counsel intends to supplement the defendant's motion.

3. If the defendant does not intend to supplement the motion, the government's response will be due 14 days following counsel's notice of appearance.

4. If defendant's counsel intends to supplement the defendant's motion, then the notice of appearance shall indicate the date upon which the supplement will be filed and the date upon which the government's response shall be due. Such dates should be mutually agreeable to the parties.

5. If the parties agree that a hearing is necessary, the notice of appearance shall include the date of the hearing, preferably no earlier than two weeks after the government's response is filed. If the parties are not in agreement that a hearing is necessary, that issue should be addressed in the parties' respective filings.

6. Upon review of the motion and response, the Court will determine whether oral argument or hearing will aid its determination of the motion and notify counsel of its decision.

Dated: November 12, 2014

BENJAMIN B. WAGNER
United States Attorney

/s/ Kathleen A. Servatius
KATHLEEN A. SERVATIUS
Assistant United States Attorney

Dated: November 12, 2014

HEATHER E. WILLIAMS
Federal Defender

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender
Attorney for Defendant

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ORDER

The above stipulation is approved. In addition, if no defense counsel makes an appearance within the 30-day period set forth in the introductory paragraph of this stipulation, the government shall file an opposition within 14 days of the expiration of such period.

IT IS SO ORDERED.

Dated: November 20, 2014



SENIOR DISTRICT JUDGE